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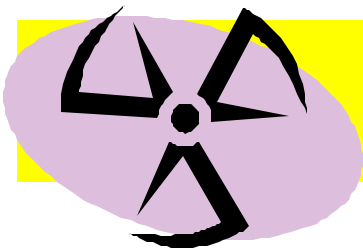
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Distributed at the request of
Representative R. Daigle
(ACORWD Vice-Chairperson)

Bad Press for the Goshute Indians

On 10 March the NRC blocked the issuance of a license for the Goshute Spent fuel facility. However, more bad press of an indictment alleging corruption within Utah tribe threatens more setbacks. The chairman of the Skull Valley Goshute Tribe of Utah stole more than \$190,000 in tribal and federal funds while pushing a controversial plan to bring nuclear waste to his reservation, federal authorities alleged on 17 December 2003. The announcement has sent waves through the state, where Bear has encountered significant opposition. On behalf of the tribe, he signed a deal

with eight private utility companies to store up to 44,000 tons of nuclear waste on the tribe's 18,000-acre reservation, about 45 miles southwest of Salt Lake City. Bear, however, isn't the only one who was charged by a federal grand jury on 17 December.. Three of his political opponents: Sammy Blackbear, Marlinda Moon and Miranda Wash, were indicted on charges of bank fraud for allegedly stealing \$45,800 in tribal funds. Duncan Steadman, an attorney who worked with the trio, was also indicted for allegedly receiving \$11,000 in tribal funds.



Radiation Newsletter

Department of Human Services
MAINE RADIATION
CONTROL PROGRAM

ADVISORY COMMISSION ON RADIOACTIVE WASTE & DECOMMISSIONING NEWS

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Special points of interest:

- Low Level Radioactive Waste and Materials in Maine
- Decommissioning of Maine Yankee Atomic Power Plant
- Radioactive Waste Management
- High Level Radioactive Waste

NEXT ACORWD MEETING:

12 February 2004
1-3 pm, room 209,
State Office Bldg

Radiation Control Program

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Tom Hillman, LLW, 287-8401
Shawn Seeley, Materials, 287-5696
Wayne Malloch, Materials, 287-8404
Roger Carrier, X-Ray, 287-5719
Linda Plusquellic, X-Ray, 287-5673
Bob Stilwell, Radon, 287-5743
Steve Sprengel, Radon, 287-5698
Gaye Mullen, Radiation, 287-5676

EPA Issues Advanced Notice of Proposed Rulemaking regarding Low-Activity Waste

On Tuesday, November 18, the U.S. Environmental Protection Agency published in the *Federal Register* (68 *Federal Register* 65,120) an Advanced Notice of Proposed Rulemaking (ANPR) that seeks comment on a wide variety of issues related to the disposal of waste containing low concentrations of radioactive material - a concept that the EPA defines as "low-activity" radioactive waste. The ANPR does not include proposed regulatory language or a specific regulatory approach, but rather seeks public input on scientific and policy issues to assist the agency in determining whether or not to go forward with the development of a regulation. EPA states, however, that in general the agency "believes that radioactive waste disposal could be improved by a consistent approach that is based on the risk to public health and the environment presented by the material in question, rather than its origin or statutory definition." The U.S. Nuclear Regulatory Commission, Agreement States [Maine], and Department of Energy facilities were all consulted in the development of the ANPR.

Background

EPA provided the following in the way of background on its ANPR:

"Present regulation of 'low-activity' radioactive waste is inconsistent, often based on the origin of the waste. Besides inconsistent regulation, cost and availability of disposal affect the way low-activity wastes are managed. We believe that certain types of disposal facilities, particularly hazardous waste landfills permitted under Subtitle C of the Resource Conservation and Recovery Act (RCRA), may be able to offer appropriate protection for disposal of low-activity radioactive wastes. Among the wastes that could be addressed as 'low-activity' are mixed (chemically hazardous and radioactive) wastes, wastes containing natural radioactivity, cleanup wastes, and other low-level radioactive waste." By identifying additional options for the safe disposal of such wastes with, of course, appropriate regulatory controls, EPA believes that a number of benefits will be realized including consistent risks, quicker site cleanups and improved overall management of radioactive wastes.

Defining Low-Activity Waste

The ANPR states that "'low-activity' is a conceptual term that does not have a statutory or regulatory meaning." Indeed, the ANPR outlines and

(Continued on page 2)

Commission Members

- Sen. Sharon Treat, Chair
- Rep. Robert Daigle, Vice Chair
- Rep. Peter L. Rines
- Rep. William R. Savage
- Sen. Norman Ferguson Jr
- Sen. Tom Sawyer
- Robert Demkowicz, DEP
- Clough Toppan, PE, DHS
- Dr. Robert Marvinney, State Geologist
- Mike Meisner, Maine Yankee
- Ron Ouelette, Public
- Richard Carey, Public
- Stephen Jarrett, Public
- Jim Mitchell, Public
- W. Donald Hudson, PhD, Chewonki Foundation

All meetings of the Advisory Commission are open to the public. The commission meets 4-6 times a year to discuss and review LLW and decommissioning issues. Meeting dates can be found at our website or call Tom Hillman at 207-287-8401 for the next meeting time or to be placed on the meeting notification list.

requests public comment on methods that could be used to define "low-activity" waste. Nonetheless, the document does differentiate between low-activity mixed waste (LAMW) and other low-activity radioactive wastes (LARW).

Ensuring Protective Disposal of Low-Activity Waste

The ANPR focuses on concepts to ensure protective disposal of low-activity radioactive wastes, while offering alternative options. Some of the issues addressed and on which comments are sought are as follows:

- what types of disposal facilities might be appropriate for the disposal of low-activity wastes;
- what types of additional measures might be needed to provide confidence that such facilities can be protective;
- how to define low-activity (i.e., modeling of potential exposures to landfill workers or evaluating the behavior of the landfill over a long time period);
- what level of risk or dose should be the benchmark to model potential exposures;
- how might NRC address waste from its (or its Agreement State) licensees;
- how should state agencies and the general public be involved in allowing alternative disposal options to be developed; and
- whether or not non-regulatory actions (i.e., guidance) could help im-

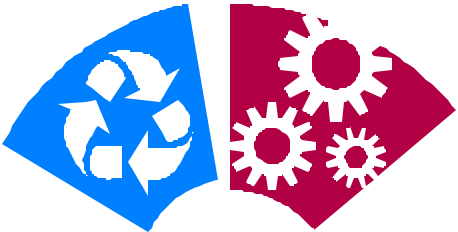
prove current practices.

Outline of EPA's Action

The following topics, amongst others, are covered in EPA's ANPR. Persons interested in specific detail are directed to the ANPR themselves.

- an assessment of potential ways to simplify the disposal of LAMW and a look at alternative disposal options including RCRA Subtitle C land disposal, the establishment of a risk or dose basis for allowable concentrations, and coordination with the U.S. Nuclear Regulatory Commission;
- a review of EPA's legal authority under the AEA;
- consideration of regulatory approaches that NRC could take with respect to LAMW, potential DOE implementation of an LAMW standard, and state implementation of the standard;
- analysis of the feasibility of disposing of other low-activity radioactive wastes in hazardous waste landfills including legal and regulatory issues that might affect applying the RCRA-C disposal concept to other LARW; and
- investigation of non-regulatory approaches to the management of LAMW and other low-activity radioactive wastes including the development of guidance and/or the partnering with selected stakeholders to develop waste-specific "best practices."

Wiscasset Votes to Buy Maine Yankee Land



Wiscasset voters have authorized the town to acquire 441 acres near the site of the former Maine Yankee nuclear power plant as part of a plan to develop the property as a technology park.

At a town meeting Tuesday night, residents voted 101-38 to have the town borrow \$2.7 million to buy and develop the site north of Ferry Road.

The town could eventually spend more than \$4 million for principal and interest payments over 20 years.

Town officials say the project is an opportunity to promote economic growth and diversify to diversify the town's tax base. The sale must still be approved by Maine Yankee's board of directors.

Maine Yankee property totaled nearly 800 acres. About 200 acres called the "Eaton Farm" property is in the process of being turned over to the Chewonki

Foundation to be used for educational and environmental purposes.

The Wiscasset town manager announced several weeks ago the town has three business that are interested in locating at the site, which the town hopes to develop into a techno park.



Proposed Nuclear Security Act of 2003

Representative LOWEY (for herself, Mr. MARKEY, and Mr. ENGEL) introduced the following bill; which was referred to the Committee on Energy and Commerce.

Despite the failure of several bills to federalize security forces at Nuclear Regulatory Commission-licensed facilities during the last congress, Rep. Nita Lowey (D-NY) has taken up the issue with Nuclear Security Act of 2003 (H.R. 2761), introduced July 16. The bill, which was co-sponsored by Rep. Eliot Engel (D-NY) and Rep. Ed Markey (D-MA), largely mirrors a failed effort by Sens. Harry Reid (D-

NV), Hillary Clinton (D-NY), Jim Jeffords (I-VT) and Joe Lieberman (D-CT) to federalize security forces at "sensitive" nuclear facilities in the last congress. However, Lowey's bill goes a step further than the previous Senate's legislation, proposing to federalize the security at all commercial nuclear power plants, decommissioned power plants, category I fuel cycle facilities, gaseous diffusion plants and any other facility the Commission determines as sensitive. Lowey's bill was referred to the House Committee on Energy and Commerce and asks the Nuclear Regulatory Commission to establish a nuclear security force. The bill also calls for the NRC to

hire and train a security force and paid for by the licensees. Additionally, NRC would be required to establish security plans for every commercial nuclear reactor in the nation that would prescribe:

- Size of force at sites
- Tactics used
- Capabilities of force
- Restrict access
- Perimeter and internal security
- Increase protection at spent fuel sites

